

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON                   :**  
**SEPTEMBER 11, 2001                               :**       **MDL 03-1570 (GBD)(SN)**

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**This Document Relates To:**

*Havlish, et al. v. bin Laden, et al.*, Case No. 03-CV-09848  
*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977  
*Burnett, Sr., et al., v. Islamic Republic of Iran*, Case No. 15-CV-9903  
*Burlingame, et al. v. bin Laden, et al.*, Case No. 02-CV-07230  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-07236  
*O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-1076  
*Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978

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*All other cases against the Islamic Republic of Iran*

**HAVLISH PLAINTIFFS' MOTION FOR LEAVE TO TAKE  
LIMITED DISCOVERY IN FURTHERANCE OF THE  
COURT'S SEPTEMBER 30, 2019 OPINION AND ORDER**

The *Havlish* Plaintiffs, by and through their counsel, respectfully move this Court for leave to take limited discovery in furtherance of the Court's September 30, 2019 Opinion and Order which granted in part the *Havlish* Plaintiffs' Renewed Motion to Create a Common Benefit Fund (Doc. 5180). In support of this motion, the *Havlish* Plaintiffs submit the accompanying Memorandum of Law and Proposed Discovery Requests. The proposed discovery consists of one interrogatory to be served on all counsel representing plaintiffs who have obtained judgments against the Islamic Republic of Iran in this MDL (collectively, the "Judgment Respondents") and two additional discovery requests directed to the Plaintiffs Executive Committee for Wrongful Death and Personal Injury Claims and its constituent members, excluding the *Havlish* members (the "PEC").

The proposed Interrogatory to the Judgment Respondents, which contains several subparts, addressed to Judgment Respondents seeks information regarding recoveries from the

United States Victims of State Sponsored Terrorism Fund (“USVSST Fund”) that the Court, in its Opinion and Order deemed necessary to its determination of the appropriate size of the common benefit fund. The two additional proposed discovery requests addressed to the PEC seek information and supporting documents regarding the PEC’s claim that its members somehow contributed to the development of the *Havlish* evidence and therefore should participate in the proposed common benefit fund. The proposed discovery is designed and intended to procure information integral to the Court’s common benefit determination without placing undue burden on the parties or the Court.

Once Respondents and the PEC have provided the information sought in the proposed discovery, the *Havlish* Plaintiffs will submit to the Court their recommendation regarding the size of the common benefit fund, with supporting documents.

For the reasons stated above and in the accompanying Memorandum of Law, the *Havlish* Plaintiffs ask the Court for an order granting leave to take the proposed discovery.

Respectfully Submitted,

Date: May 15, 2020

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